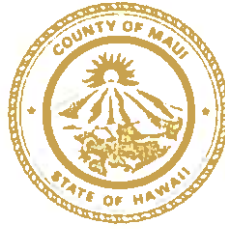


RICHARD T. BISSEN JR.
Mayor

KATHLEEN ROSS AOKI
Planning Director

GARRETT E. SMITH
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

April 3, 2023

MEMORANDUM

TO: Kelli Pali, Vice Chairperson
and Members of the Maui Planning Commission

FROM: Kathleen Ross Aoki, Planning Director

SUBJECT: TRANSFER OF A CONDITIONAL PERMIT (CP) FOR THE OLD WAILUKU INN, AN EXISTING TRANSIENT VACATION RENTAL (TVR) LOCATED AT 2199 KAHO'OKELE STREET, WAILUKU, ISLAND OF MAUI, HAWAII; TMK: (2) 3-4-005:015 (CP980006).

Janice Fairbanks and Thomas Fairbanks III are the permit holders for Conditional Permit (CP) 98/0006 for the Old Wailuku Inn. The Old Wailuku Inn is a 10-bedroom transient vacation rental at 2199 Kaho'okele Street, Wailuku, successfully operating since 1998 in the R-2 Residential District.

The original Ordinance No. 2733 was approved by the Maui County Council (Council) and signed by the Mayor with an effective date of December 16, 1998, (See **Exhibit #1**). It granted the use of a seventh guest bedroom in a Type 3 Bed and Breakfast.

The Type 3 Bed and Breakfast permit was issued in 1998 as BB3 98/0001, as was the Conditional Permit CP980006.

The permits were renewed until Ordinance 3545 was passed by the Council which amended the Conditional Permit and allowed the addition of three bedrooms (for a total of 10) at the Old Wailuku Inn. The ordinance was signed by the Mayor with an effective date of March 9, 2008. (See **Exhibit #2**).

The Conditional Permit was valid for a period of 10 years from the effective date of the ordinance, (condition one of Ordinance 3545).

In a letter dated May 14, 2018, the Department of Planning issued approval of a time extension of the Conditional Permit for the Old Wailuku Inn, (See **Exhibit #3**) until March 9, 2038.

By letter dated November 21, 2022, Thomas and Janice Fairbanks, requested a transfer of their Conditional Permit for the Old Wailuku Inn to Joshua Ramu Tremblay, as they wish to sell their home and retire (See **Exhibit #4**). Condition two of Ordinance No. 3545 states, "That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance." In an affidavit dated November 14, 2022, Mr. Tremblay stated that he read and is aware of all conditions, requirements, and obligations as set

forth in the Conditional Permit (CP98/0006) and upon transfer of said Permit agrees to abide by, comply with, and implement all of the terms, conditions, obligations, and requirements set forth in the permit (See **Exhibit #5**).

In a letter dated February 21, 2023, Joshua Ramu Tremblay expressed his knowledge and familiarity with the site and its history as well as his intentions for the continued use (See **Exhibit #6**).

RECOMMENDATION

The Planning Department (Department) recommends that the Maui Planning Commission (Commission) recommend approval of the permit transfer request to the Conditional Permit, subject to the following conditions:


1. That the Conditional Permit shall be valid until March 9, 2038; provided, that an extension of this Conditional Permit beyond this period may be granted pursuant to Section 19.40.090, of the Maui County Code.
2. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
3. That full compliance with all applicable governmental requirements shall be rendered.
4. That Joshua Ramu Tremblay, their successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui (County) as a named additional insured, insuring and defending the Joshua Ramu Tremblay and the County against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Joshua Ramu Tremblay of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming the County as an additional insured shall be submitted to the Department within 90 calendar days from the effective date of this ordinance.
5. Joshua Ramu Tremblay shall develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That Joshua Ramu Tremblay, comply with the requirements imposed by the Department of Fire and Public Safety.

Kelli Pali, vice Chairperson
And Members of the Maui Planning Commission
April 3, 2023
Page 3

7. That the transient vacation rental operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
8. That the maximum occupancy per room shall be limited to two persons.
9. That the proprietor must include the number of the permit in all advertising.
10. That Joshua Ramu Tremblay shall file a supplemental public report with the Department of Finance, Real Property Assessment Division, identifying the property as a bed and breakfast for real property tax purposes.
11. That one parking stall shall be provided for each guestroom.

In consideration of the foregoing, the Department recommends that the Commission adopt the Department's Report and Recommendation Memorandum prepared for the April 25, 2023 Meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Planning Director to transmit said Findings of Fact, and Conclusions of Law, Decision and Order to the Council on behalf of the Commission.

APPROVED:


KATHLEEN ROSS AOKI
Planning Director

Copy To: Ann T. Cua, Planning Program Administrator (PDF)
Jordan Hart, Zoning Administration and Enforcement Division Program Administrator (PDF)
Alik Biniaris, Staff Planner (PDF)
Project File

KRA:ATC:DD:AB:th

K:\WP_DOCS\Planning\CP\1998\6_OldWailukuInn\2022OwnerTransfer\For MPC\MPC Report Recommendation Transfer.doc

Exhibit 1

Ordinance No. 2733

ORDINANCE NO. 2733

BILL NO. 110 (1998)

A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT
TO USE A SEVENTH GUESTROOM IN A TYPE 3 BED AND BREAKFAST,
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

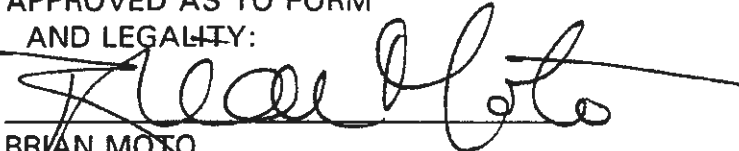
SECTION 1. Pursuant to Chapter 19.40 of the Maui County Code, a conditional permit is hereby granted, subject to the conditions imposed in Section 2 of this ordinance, for the use of a seventh guestroom in a Type 3 Bed and Breakfast located at 2199 Kahookele Street in Wailuku, Maui, Hawaii. The site is identified for real property tax purposes by TMK: 3-4-05:015, and is comprised of approximately 22,532 square feet of land.

SECTION 2. The granting of this conditional permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of one year from the effective date of the ordinance establishing it; provided that, an extension of this permit beyond this one year period may be granted pursuant to Section 19.40.090 of the Maui County Code.
2. That the Conditional Permit shall be nontransferable without the prior written approval of the Maui County Council.
3. That full compliance with all applicable governmental requirements shall be rendered.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



BRIAN MOTO
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\LJN\ORD\FARIBANK.ORD

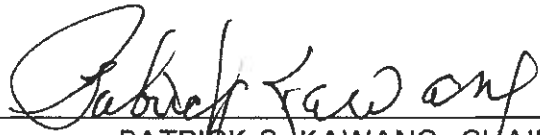
WE HEREBY CERTIFY that the foregoing BILL NO. 110 (1998)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 8th day of December, 1998, by the following votes:

Patrick S. KAWANO Chair	James "Kimo" APANA Vice-Chair	Alan ARAKAWA	J. Kalani ENGLISH	G. Riki HOKAMA	Alice L. LEE	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 9th day of December, 1998.

DATED AT WAILUKU, MAUI, HAWAII, this 9th day of December, 1998.


PATRICK S. KAWANO, CHAIR
Council of the County of Maui


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 16 DAY OF DECEMBER, 1998


LINDA LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2733 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on November 20, 1998.
Effective date of Ordinance December 16, 1998.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2733, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

RECEIVED
1998 DEC 16 AT 8:57
OFFICE OF THE
COUNTY CLERK

Exhibit 2
Ordinance No. 3545

ORDINANCE NO. 3545

BILL NO. 29 (2008)

A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO
JANICE FAIRBANKS AND THOMAS N. FAIRBANKS III TO OPERATE
A TEN-BEDROOM TRANSIENT VACATION RENTAL AT THE OLD WAILUKU INN
AT ULUPONO FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Janice Fairbanks and Thomas N. Fairbanks III for the operation of a ten-bedroom transient vacation rental. The site is identified for real property tax purposes by Tax Map Key Number: (2)3-4-005:015, comprising approximately 22,532 square feet of land situated at Wailuku, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this ten year period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
3. That full compliance with all applicable governmental requirements shall be rendered.
4. That Janice Fairbanks and Thomas N. Fairbanks III, their successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the

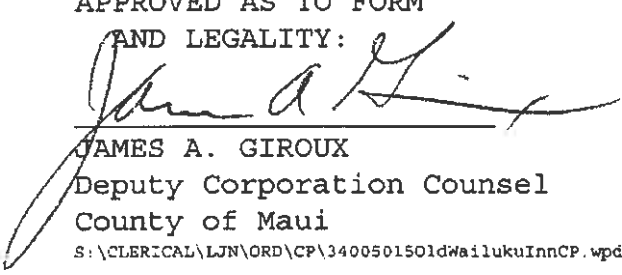
entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as a named additional insured, insuring and defending Janice Fairbanks and Thomas N. Fairbanks III and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Janice Fairbanks and Thomas N. Fairbanks III of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as a named additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.

5. That Janice Fairbanks and Thomas N. Fairbanks III shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That Janice Fairbanks and Thomas N. Fairbanks III shall comply with the requirements imposed by the Department of Fire and Public Safety.
7. That the transient vacation rental operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
8. That the maximum occupancy per room shall be limited to two (2) persons.

9. That the proprietor must include the number of the permit in all advertising.
10. That Janice Fairbanks and Thomas N. Fairbanks III shall file a supplemental public report with the Department of Finance, Real Property Tax Division, identifying the property as a bed and breakfast for real property tax purposes.
11. That one parking stall shall be provided for each guestroom.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 29 (2008)

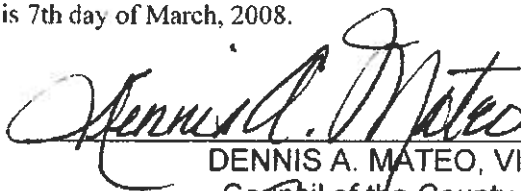
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of March, 2008, by the following vote:

G. Riki HOKAMA Chair	Dennis A. MATEO Vice-Chair	Michelle ANDERSON	Gladys C BAISA	Jo Anne JOHNSON	William J. MEDEIROS	Michael J. MOLINA	Joseph PONTANILLA	Michael P. VICTORINO
Excused	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye


2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of March, 2008.

DATED AT WAILUKU, MAUI, HAWAII, this 7th day of March, 2008.

RECEIVED
2008 MAR -7 PM 3:35
OFFICE OF THE MAYOR

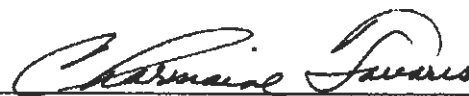


DENNIS A. MATEO, VICE-CHAIR
Council of the County of Maui



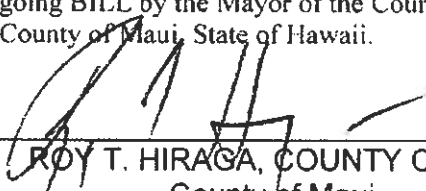
ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 7th DAY OF MARCH, 2008.



CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3545 of the County of Maui, State of Hawaii.



ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on February 22, 2008.
Effective date of Ordinance March 9, 2008.

RECEIVED
2008 MAR 10 AM 10:31
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3545, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

Exhibit 3
2018
20 Year Time Extension

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 14, 2018

Mr. Tom Fairbanks
2199 Kahookele Street
Wailuku, Hawaii 96793

Dear Mr. Fairbanks:

SUBJECT: APPROVAL OF TIME EXTENSION OF A CONDITIONAL PERMIT (CP) FOR AN EXISTING TEN-BEDROOM BED & BREAKFAST (B&B) ESTABLISHMENT KNOWN AS OLD WAILUKU INN AT ULUPONO; LOCATED WITHIN THE R-2 RESIDENTIAL DISTRICT AT 2199 KAHOOKELE STREET, WAILUKU, ISLAND OF MAUI, HAWAII; TMK: (2) 3-4-005:015 (CP 98/0006) (ORD. 3545)

Upon analysis of the subject request for a time extension of CP 98/0006, the Department of Planning (Department) has made the following determinations:

1. The permit holder is in compliance with the conditions of approval for CP 98/0006 granted by County Council Ordinance No. 3545, Bill No. 29, on March 9, 2008;
2. The permitted use has not been substantially changed and new uses have not been added that may result in significant impacts above what would result from the approved CP;
3. Agencies have not identified new matters of concern that require mitigation; and
4. No protests are received from the owners and lessees of record, located within five-hundred feet (500 ft.) of the parcel on which the CP use is located.

Accordingly, your request for a time extension of the subject Conditional Permit (CP 98/0006) is hereby granted and shall be valid until March 9, 2038.

Please be advised continued compliance with Ordinance 3545 is required.

Mr. Tom Fairbanks
May 14, 2018
Page 2

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at (808) 270-5537.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planner (PDF)
Department of Finance, Real Property Assessment Division
Project File

WRS:CIY:LUC:ela

K:\WP_DOCS\PLANNING\CP\1998\6_OldWailuku\Inn\Time Extension 2018\CP_TimeExtension_Approval.docx

Exhibit 4

Letter from The
Fairbanks Requesting
Transfer



2199 Kaho'okele Street
Wailuku, Maui, Hawaii 96793
Tel (808) 244-5897
Fax (808) 242-9600
Toll Free (800) 305-4899
E-Mail: Maui BandB@aol.com

*I hope that I can make you see... This sun-lit, moon-witched, rainbow place
Of Beauty. Just a little space
Quite filled with flowers, vines and trees,
Walled in with stone, the haunt of ferns
And butterflies and lunar moths.
When you are passing will you pause
Or—if you will—drop in and see
This garden that belongs to me.*

by Don Blanding

March 30, 2023

Ms. Kathleen Aoki, Director
Department of Planning
County of Maui
2200 Main Street
One Main Plaza, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: Request to Transfer of Conditional Permit (CP 98/0006) for Old
Wailuku Inn (Ordinance No. 3545)

Dear Director Aoki:

In 1998, a Conditional Permit (CP 98/0006) was issued to operate a seven (7) bedroom Bed and Breakfast (B&B) at 2199 Kaho'okele Street via Ordinance No. 2733. See **Exhibit "A"**. In 2008 the Maui County Council granted Ordinance 3545, which allowed the CP 98/0006 to expand operations to 10 bedrooms at the subject property for the purposes of a B&B. Please see **Exhibit "B"**. As such, Ordinance 3545 supersedes Ordinance 2733 and 10 bedrooms are what is currently operated at the Old Wailuku Inn. The amended CP 98/0006, as granted by Ordinance 3545, was subject to 11 conditions.

1. *That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this ten year period may be granted pursuant to Section 19.40.090, Maui County Code.*

The Old Wailuku Inn received a Time Extension in 2018. Please see to **Exhibit "C"**. This time extension allowed the CP to be valid until March 9, 2038.

2. *That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.*

We are writing to request the Maui County Council approve a transfer of the CP to Joshua Ramu Tremblay, who is under contract to purchase the

subject property. The sale of the property is anticipated to close on April 10, 2023.

3. *That full compliance with all applicable governmental requirements shall be rendered.*

We confirm that we have operated the Old Wailuku Inn in full compliance with all applicable governmental requirements. To our knowledge, no complaints have been filed against the Old Wailuku Inn operation for the 25 years we have operated.

4. *That Janice Fairbanks and Thomas N. Fairbanks III, their successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as a named additional insured, insuring and defending Janice Fairbanks and Thomas N. Fairbanks III and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Janice Fairbanks and Thomas N. Fairbanks III of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as a named additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.*

We confirm compliance with this condition. Please see **Exhibit "D"** that shows the current insurance policy naming the County of Maui as additional insured.

5. *That Janice Fairbanks and Thomas N. Fairbanks III shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.*

We confirm compliance with this condition. The Old Wailuku Inn has been operating as a 10-bedroom B&B transient vacation rental since the granting of Maui County Council Ordinance Nos. 2733 and 3545.

6. *That Janice Fairbanks and Thomas N. Fairbanks III shall comply with the requirements imposed by the Department of Fire and Public Safety.*

The Old Wailuku Inn is in compliance with the Department of Fire and Public Safety requirements.

7. *That the transient vacation rental operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.*

We confirm compliance with this condition. The County enforcement personnel is welcome to the property, at reasonable times upon presentation of appropriate credentials, to inspect operations.

8. *That the maximum occupancy per room shall be limited to two (2) persons.*

Each of the 10 rooms at the Old Wailuku Inn allows for a maximum occupancy of two (2) persons.

9. *That the proprietor must include the number of the permit in all advertising.*

We confirm that we are in compliance with this condition. All advertising includes the Conditional Permit number.

10. *That Janice Fairbanks and Thomas N. Fairbanks III shall file a supplemental public report with the Department of Finance, Real Property Tax Division, identifying the property as a bed and breakfast for real property tax purposes.*

We confirm that we have reported the Old Wailuku Inn to the Department of Finance and Real Property Tax Division to identify the property as a bed and breakfast.

11. *That one parking stall shall be provided for each guestroom.*

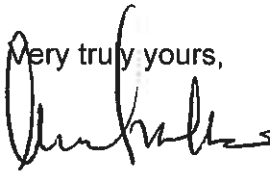
We confirm there is one (1) parking stall available for each of the 10 guestrooms.


Ms. Kathleen Aoki, Director
March 30, 2023
Page 4

As noted above, we respectfully request the Maui County Council approve transfer of the CP to Joshua Ramu Tremblay. Contact information for Mr. Tremblay is provided below.

Joshua Ramu Tremblay
107 Ho'ola'au Street
Wailuku, Hawai'i 96793

Should you have any further questions, please do not hesitate to contact me at (808) 264-4279.

Very truly yours,

Thomas Fairbanks


Janice Fairbanks

Enclosures

cc: Joshua Ramu Tremblay (w/enclosures)
Kari Luna Nunokawa (w/enclosures)

Exhibit 5

Affidavit

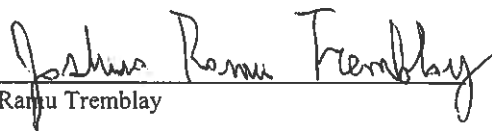
**AFFIDAVIT OF JOSHUA RAMU TREMBLAY
FUTURE OWNER AND OPERATOR OF OLD WAILUKU INN**

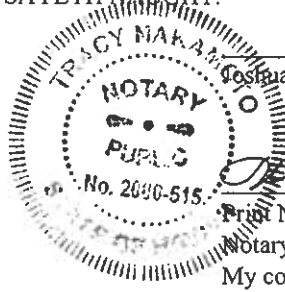

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

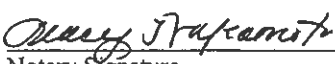
JOSHUA RAMU TREMBLAY, being first duly sworn on oath, deposes and says that:

1. I am a resident of the State of Hawai'i.
2. I am the future owner and operator of the Old Wailuku Inn.
3. I am currently in escrow for purchasing the Old Wailuku Inn from Thomas Fairbanks. The closing date of the sale is April 10, 2023, upon which time, I will become the owner of record.
4. This affidavit is made in support of the request by the Director of Planning of the County of Maui for approval of the transfer of all outstanding or ongoing permits relating to the Property.
5. The transferee of the Permits relating to the Property is Joshua Ramu Tremblay, presently registered and authorized to do business in the State of Hawai'i.
6. I have read and am aware of all the conditions, requirements, and obligations as set forth in the following permit (hereinafter collectively referred to as the "Permit"):
 - A. Conditional Permit No. CP 98/0006
7. Upon transfer of said Permit, Joshua Ramu Tremblay as the transferee of said Permit, agrees to abide by, comply with, and implement all of the terms, conditions, obligations, and requirements set forth in each said permit.
8. In the event there are further changes to said Permit, or Joshua Ramu Tremblay wishes to transfer said Permits to its designee or affiliated company, Joshua Ramu Tremblay will comply with all applicable rules of the County of Maui.

FURTHER AFFIANT SAYETH NAUGHT.


Joshua Ramu Tremblay



Tracy Nakamoto
Notary Public, State of Hawai'i
My commission expires: 10/15/2024

Doc. Date: <u>none</u> # Pages: <u>1</u>	
Notary Name: <u>Tracy Nakamoto</u> <u>Second</u> Circuit	
Doc. Description: <u>Affidavit of Joshua Ramu Tremblay</u> <u>Future owner and operator of Old</u> <u>Wailuku Inn</u>	
 Notary Signature	<u>11/14/22</u> Date
NOTARY CERTIFICATION	

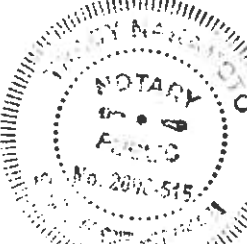


Exhibit 6

Letter From The Future

Owner

23/173

RECEIVED

FEB 22 2023

COUNTY OF MAUI
DEPARTMENT OF PLANNING

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February 21, 2023

Aloha Honorable Council Women and Men,

My name is Josh Tremblay. Friends and family call me by my middle name "Ramu." I grew up in upcountry Maui. I attended Makawao Elementary, Kalama Intermediate, and later Seabury Hall for High School.

In 1992 I met Tom and Janice Fairbanks through their son, Thomas, who I attended high school with. We became fast friends during our freshman year. In 1995 after we graduated high school, we went our separate ways for college: Thomas to Oregon, and me to San Diego. 1996 was my first summer back from college. Thomas and Janice took possession of what is now the Old Wailuku Inn during that summer. I remember seeing the property for the first time and being amazed.

During the following summers, Thomas and I would reconnect when back on Maui. It was incredible to see the Old Wailuku Inn at Ulupono restored. I witnessed Thomas' parents work around the clock to bring their vision to life. The Inn became operational in 1997. When Tom and Janice had vacant rooms, they were always kind enough to invite me to stay at the Inn. Even when their son Thomas was off island, they extended the invitation. The Fairbanks' became like my second family.

When I saw the property come up for sale this past summer, something came alive inside of me. It's hard to describe, but somehow I knew I had to buy it.

In addition to the fond memories I've developed over the years, the other things I love about what the Old Wailuku Inn at Ulupono are:

- The property preserves the feeling of Old Wailuku town when sugar was king.
- The restored Ohia wood floors are beautiful. Everytime I walk on them, they remind me of a bygone era in Hawaii.
- The unique character of the home with its classic patterned Palladian Windows and other architectural features, including curved collar beams, clapboard siding and rounded attic vents.
- The way the house opens to the cooling breezes from Iao Valley.
- The Old Hawaiian Garden that sits between the home and High Street.

Some things I've learned about the historic significance of the property are:

1. The Historic Lufkin House is the name of the home on the Hawai'i State Register of historic places accepted October 1996. It was named "Ulupono" upon its dedication to the adaptive reuse as a Bed and Breakfast Home in the Fall of 1997. The meaning of Ulupono "thriving, successful, rare" was appropriately

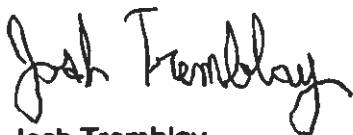
bestowed upon the Home by Hokulani Holt prominent Kumu Hula and Hawaiian Cultural Practitioner.

2. The home was finished in early 1924. It was built by Charles Dexter Lufkin, a prosperous businessman, indicative of the rise of the Merchant Class on Maui at the turn of the twentieth century. A Maui News article of December 1923 provides this reference to the house's construction: "The Father of the Groom gave her the deed to the beautiful home now under construction for her in Wailuku. " And the historic records show Frank and Lenore Lufkin held the deed to the property at 408 High Street. Charles Lufkin's success on Maui was establishing the Islands Banking industry starting in 1901. Mr. Lufkin and his son Frank operated the bank until its Merger with Bank of Hawaii, the largest Banking Institution Bank of Hawaii. He is the Notable Person who makes this historic home so worthy of preservation.
3. The house now called Ulupono represents an important and prosperous period in the history of Wailuku and is a landmark anchoring the character of Old Wailuku Town's "sense of Place". Ulupono marks the beginning of South High Street with its graceful canopy of giant trees as you depart the town. The trees were planted in the 1920s to create an entry, a period of great civic pride.
4. The accurate restoration of Ohia flooring, historic windows, door, cabinetry, materials and colors combined with the addition of rooms to a long-unfinished lower floor of the house, sets an example of a productive repurpose of historic buildings in a town where demolition is an increasing threat to a uniquely Hawaiian character.

Wailuku doesn't have many quality accommodations to choose from. Tom and Janice have operated the Old Wailuku Inn at Ulupono for over a quarter of a century — providing much needed accommodations to Wailuku town. One walk of the property demonstrates that they've been exemplary stewards of preserving this historically rich property.

My hope and desire are to live in and continue operating the bed and breakfast and use proceeds from operations as a means of preserving this historic Wailuku landmark. Hopefully our County Council concurs that the value to our community justifies continuing the adaptive re-use of the Historic Lufkin House to support preservation of the home for generations to come.

Thank you for your consideration,



Josh Tremblay